



February 15, 2001

HOUSE BILL No. 2111

DIGEST OF HB 2111 (Updated February 13, 2001 4:25 PM - DI 105)

Citations Affected: IC 35-46; noncode.

Synopsis: Exploitation of endangered adult or dependent. Raises the offense of exploitation of a dependent or an endangered adult from a Class A misdemeanor to a Class D felony if the fair market value of the personal services or property involved in the offense is more than \$10,000, or if the fair market value of the personal services or property is more than \$1,000 and the endangered adult or dependent is at least 60 years of age. Raises the offense of financial exploitation of an endangered adult or a dependent from a Class A misdemeanor to a Class D felony if the amount of the proceeds involved in the offense is more than \$10,000, or if the amount of the proceeds is more than \$1,000 and the endangered adult or dependent is at least 60 years of age.

Effective: July 1, 2001.

Klinker, Foley, Day, Scholer

January 17, 2001, read first time and referred to Committee on Courts and Criminal Code.
February 14, 2001, amended, reported — Do Pass.

C
o
p
y

HB 2111—LS 6782/DI 69+



February 15, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2111

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-1-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) **Except as**
3 **provided in subsection (b)**, a person who recklessly, knowingly, or
4 intentionally exerts unauthorized use of the personal services or the
5 property of:
6 (1) an endangered adult; or
7 (2) a dependent eighteen (18) years of age or older;
8 for ~~one's~~ **the person's** own profit or advantage or for the profit or
9 advantage of another **person** commits exploitation of a dependent or
10 an endangered adult, a Class A misdemeanor.
11 (b) **The offense described in subsection (a) is a Class D felony:**
12 (1) **if the fair market value of the personal services or**
13 **property is more than ten thousand dollars (\$10,000); or**
14 (2) **if:**
15 (A) **the fair market value of the personal services or**
16 **property is more than one thousand dollars (\$1,000);**
17 **and**

HB 2111—LS 6782/DI 69+



C
o
p
y

1 **(B) the endangered adult or dependent is at least sixty (60)**
 2 **years of age.**
 3 **(c) Except as provided in subsection (d),** a person who recklessly,
 4 knowingly, or intentionally deprives an endangered adult or a
 5 dependent of the proceeds of the endangered adult's or the dependent's
 6 benefits under the Social Security Act or other retirement program that
 7 the division of family and children or county office of family and
 8 children has budgeted for the endangered adult's or dependent's health
 9 care commits financial exploitation of an endangered adult or a
 10 dependent, a Class A misdemeanor.
 11 **(d) The offense described in subsection (c) is a Class D felony:**
 12 **(1) if the amount of the proceeds is more than ten thousand**
 13 **dollars (\$10,000); or**
 14 **(2) if:**
 15 **(A) the amount of the proceeds is more than one thousand**
 16 **dollars (\$1,000); and**
 17 **(B) the endangered adult or dependent is at least sixty (60)**
 18 **years of age.**
 19 **(e) It is not a defense to an offense committed under subsection**
 20 **(b)(2) or (d)(2) that the accused person reasonably believed that the**
 21 **endangered adult or dependent was less than sixty (60) years of age**
 22 **at the time of the offense.**
 23 SECTION 2. [EFFECTIVE JULY 1, 2001] IC 35-46-1-12, as
 24 amended by this act, applies only to crimes committed after June
 25 30, 2001.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 2111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "subsections" and insert "**subsection**".
 Page 1, line 3, delete "and (c)".
 Page 2, delete lines 3 through 7.
 Page 2, line 8, delete "(d)" and insert "**(c)**".
 Page 2, line 8, delete "subsections" and insert "**subsection**".
 Page 2, line 8, delete "(e) and (f)" and insert "**(d)**".
 Page 2, line 16, delete "(e)" and insert "**(d)**".
 Page 2, line 16, after "subsection" delete "(d)" and insert "**(c)**".
 Page 2, delete lines 24 through 28.
 Page 2, line 29, delete "(g)" and insert "**(e)**".
 Page 2, line 30, delete ", (c)," and insert "**or**".
 Page 2, line 30, delete "(e)(2)" and insert "**(d)(2)**".
 Page 2, line 30, delete ", or (f)".

and when so amended that said bill do pass.

(Reference is to HB 2111 as introduced.)

DVORAK, Chair

Committee Vote: yeas 13, nays 0.

C
o
p
y

